

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Mac Muir	Team: Squad #6	CCRB Case #: 201905967	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Monday, 07/08/2019 9:10 PM	Location of Incident: 103rd Precinct stationhouse	Precinct: 103	18 Mo. SOL 1/8/2021	EO SOL 8/25/2021	
Date/Time CV Reported Tue, 07/09/2019 9:18 AM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Tue, 07/09/2019 9:18 AM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Kevin Gwinn	14299	956711	103 PCT
2. An officer			103 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Kevin Gwinn	Abuse: Police Officer Kevin Gwinn did not process § 87(2)(b)'s complaint regarding an officer.	
B. An officer	Abuse: An officer did not process § 87(2)(b)'s complaint regarding an officer.	

Case Summary

On July 9, 2019, § 87(2)(b) submitted the following complaint with the CCRB via telephone.

At approximately 9:10 p.m. on July 8, 2019, § 87(2)(b) entered the 103rd Precinct stationhouse to file a complaint against an officer. She spoke to PO Kevin Gwinn of the 103rd Precinct, who did not take her complaint at the stationhouse (**Allegation A: Abuse of Authority:** § 87(2)(g) An additional officer spoke with § 87(2)(b) separately and allegedly affirmed that she could not make a complaint at the stationhouse (**Allegation B: Abuse of Authority:** § 87(2)(g) § 87(2)(b) left the stationhouse and submitted her complaint over the phone without further incident.

The investigation obtained stationhouse surveillance camera footage that captured the incident (BR 01).

Findings and Recommendations

Allegation A – Abuse of Authority: Police Officer Kevin Gwinn did not process § 87(2)(b)'s complaint regarding an officer.

It is undisputed that when § 87(2)(b) requested to submit a complaint against an officer, PO Gwinn pointed at a sign on the wall that said that she could submit a complaint over the phone, online, or in person at the CCRB.

§ 87(2)(b) testified that at approximately 9:10 p.m. on July 8, 2019, she went to the 103rd Precinct stationhouse to submit a complaint against an officer that had responded to her apartment earlier in the day. She first spoke to PO Gwinn, who sat at the front desk. PO Gwinn pointed at the sign on the wall and told her that she could not file a complaint at the precinct.

PO Gwinn testified that § 87(2)(b) first entered the stationhouse and asked to make a complaint against an officer. PO Gwinn repeatedly asked her what had happened. § 87(2)(b) did not reply to him. Instead she repeatedly replied that she wanted to make a complaint. PO Gwinn directed § 87(2)(b) to a sign on the wall that indicated she could file a complaint with the CCRB online, via telephone, or in person at the CCRB. He denied telling her that she could not make a complaint at the precinct stationhouse. During his CCRB interview, PO Gwinn testified that he had never taken a complaint at the precinct stationhouse and was unaware of how to do so.

Stationhouse surveillance footage (BR 01) showed § 87(2)(b) speak to someone behind a desk who is off camera. She completed a Domestic Incident Report and then left after 35 minutes. A significant number of officers entered and exited the precinct. However, none of them appeared to interact with § 87(2)(b).

Complaints against uniformed members of service may be made at any patrol precinct. NYPD Patrol Guide Procedure 207-31 (BR 02). When a person is present in a Department facility and wishes to make a statement as a witness to an incident involving a civilian complaint, an officer should interview the witness, provide them with a copy of a Civilian Complaint Report (PD313-154) to be prepared in the civilian's own handwriting. NYPD Patrol Guide Procedure 207-30 (BR 03).

§ 87(2)(g)

§ 87(2)(g)

Allegation B – Abuse of Authority: An officer did not process § 87(2)(b)'s complaint regarding an officer.

§ 87(2)(b) alleged that after she spoke with PO Gwinn, she spoke with an officer who sat at a raised desk behind PO Gwinn. She informed this officer that she wanted to make a complaint. He, like PO Gwinn, directed her to a sign that indicated she could file a complaint with the CCRB online, via telephone, or in person at the CCRB. He did not take her complaint at the stationhouse. This officer was an approximately 5'9" tall uniformed white male with a chubby build and dark-colored hair.

PO Gwinn testified that there was only one raised desk behind the front desk at the stationhouse. The desk sergeant sat at this desk. He did not remember who was the desk sergeant during this incident.

According to the Tour 3 Roll Call (BR 04), Sgt. Nathan Mole was the assigned desk officer during this incident. Sgt. Mole is a 5'10" tall black male with a dark skin complexion and grey hair (BR 05). As noted in Allegation A, none of the officers depicted in the surveillance footage appeared to interact with § 87(2)(b).

Sgt. Mole testified that he was the assigned desk sergeant during this incident. No other officer sat with him. He was presented with the stationhouse surveillance footage of this incident, but it did not refresh his recollection of what happened. He was presented with a photograph of § 87(2)(b) and he did not recognize her.

§ 87(2)(g)

§ 87(2)(g)

Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which § 87(2)(b) has been a party (BR 06).
- PO Gwinn has been a member-of-service for five years and has been a subject of three CCRB allegations in two prior complaints, none of which were substantiated. § 87(2)(g)

Mediation, Civil and Criminal Histories

- § 87(2)(b) accepted mediation for this case. It was not sent to the mediation unit because an officer was not identified.
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
- A request for any Notice of Claim regarding this incident was submitted to the New York City Comptroller's Office on December 4, 2019. The results will be added to the case file upon receipt.

Squad 6

Investigator: _____ _____ _____
 Signature Print Title & Name Date

Squad Leader: _____ _____ _____
 Signature Print Title & Name Date

Reviewer: _____ _____ _____
 Signature Print Title & Name Date